

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>IN RE:</b>	§	
	§	
<b>THE GATEWAY VENTURES, LLC,</b>	§	<b>CASE NO. 21-30071-HCM</b>
	§	
<b>REORGANIZED DEBTOR.</b>	§	<b>CHAPTER 11</b>

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**APPELLANTS' DESIGNATION FOR APPEAL**

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**COMES NOW** WESTAR INVESTORS GROUP, LLC, SUHAIL BAWA, and SALEEM MAKANI (hereinafter jointly referred to as “Appellants” or “WESTAR”), Appellants and creditors/parties-in-interest in the above-captioned proceedings, by and through the undersigned counsel, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, and in accordance with Rules 4, 6 and 10 of the Federal Rules of Appellate Procedure, and hereby timely file this designation of the record and issues for the appeal, within fourteen (14) days after the appellant's notice of appeal as of right became effective under Rule 8002 of the Federal Rules of Bankruptcy Procedure; as follows:

**I. ITEMS TO BE INCLUDED IN THE RECORD.**

- A. Appellants hereby designate the following documents in the record of *In Re: The Gateway Ventures, LLC*, in the United States Bankruptcy Court for the Western District of Texas, El Paso Division, Cause No. 21-30071-hcm:

Filing Date	DOC#	Docket Text
02/02/2021	1 (10 pgs)	Voluntary Petition under Chapter 11 (Non-Individual) Without Schedules, Without Statement of Financial Affairs, With Attorney Disclosure of Compensation (Filing Fee: \$ 1738) Filed By The Gateway Ventures, LLC. -Declaration for Electronic Filing due by 02/9/2021 (Carruth, Jeff)

02/26/2021	20 (27 pgs)	Schedules And Statement Of Financial Affairs
12/22/2021	262 (64 pgs; 7 docs)	Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Proposed Order)
12/22/2021	263 (7 pgs; 2 docs)	Motion to Expedite Hearing (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Proposed Order)
12/22/2021	264 (3 pgs)	Preliminary Response Of Reorganized Debtor To Motion To Expedite Hearing Date On Emergency Motion To Enforce The Chapter 11 Plan, And Award Other Miscellaneous Relief (RE: Docket No. 263)
12/22/2021	265 (12 pgs; 2 docs)	Rahim Noorani, Ashish Nayyar, Deepesh Shrestha, and Umesh Shrestha's Emergency Motion To Enforce First Amended Plan Of Reorganization (Attachments: # <u>1</u> Proposed Order Proposed Order)
12/22/2021	266 (5 pgs; 2 docs)	Rahim Noorani, Ashish Nayyar, Deepesh Shrestha, and Umesh Shrestha's Motion To Expedite Hearing Date On Emergency Motion To Enforce First Amended Plan Of Reorganization (Attachments: # 1 Proposed Order Proposed Order)
12/22/2021	267 (3 pgs)	Notice of Expedited Hearing On Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief
12/23/2021	268 (2 pgs)	Order Granting Rahim Noorani, Ashish Nayyar, Deepesh Shrestha, and Umesh Shrestha's Motion To Expedite Hearing Date On Emergency Motion To Enforce First Amended Plan Of Reorganization
12/23/2021	269 (2 pgs)	Order Granting Motion To Expedite Hearing Date On Emergency Motion To Enforce The Chapter 11 Plan, And Award Other Miscellaneous Relief
12/23/2021	270 (2 pgs)	Notice of Expedited Hearing On Emergency Motion To Enforce First Amended Plan Of Reorganization
01/06/2022	273 (3 pgs)	Notice of Change of Debtor Address
01/07/2022	274 (7 pgs)	Response of Reorganized Debtor to (1) Motion To Expedite Hearing Date on Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (RE: Docket No. 263) and (II) Rahim Noorani, Ashish Nayyar, Deepesh Shrestha, and Umesh Shrestha's Emergency Motion To Enforce First Amended Plan of (RE: Docket No. 265)

01/11/2022	275 (3 pgs)	Amended Notice of Change of Debtor Address
01/12/2022	276 (44 pgs; 4 docs)	Reply To Response of Reorganized Debtor To (I) Motion To Expedite Hearing Date on Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (RE: Docket No. 263) and (II) Rahim Noorani, Ashish Nayyar, Deepesh Shrestha, and Umesh Shrestha's Emergency Motion To Enforce First Amended Plan of (RE: Docket No. 265) (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit)
01/13/2022	277 (2 pgs)	Order Granting Rahim Noorani, Ashish Nayyar, Deepesh Shrestha, and Umesh Shrestha's Emergency Motion to Enforce First Amended Plan of Reorganization
01/13/2022	278 (2 pgs)	Order Regarding Westar Investors Group, LLC, Suhail Bawa, and Saleem Makani's Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief
01/27/2022	281 (1 pg)	Order Due Letter Sent to: James M. Feuille
02/21/2022	282 (125 pgs; 9 docs)	Second Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (DOC #231, 245, 246 and 278) (\$100,000.00) (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Proposed Order)
02/21/2022	283 (7 pgs; 2 docs)	Motion to Expedite Hearing Second Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (DOC #231, 245, 246 and 278) (\$100,000.00) (Attachments: Proposed Order)
02/23/2022	284 (3 pgs)	Amended Certificate of Service To Second Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (DOC #231, 245, 246 and 278) (\$100,000.00)
02/23/2022	285 (3 pgs)	Amended Certificate of Service To Motion to Expedite Hearing Second Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (DOC #231, 245, 246 and 278) (\$100,000.00)
02/24/2022	286 (2 pgs)	Order Granting Motion to Expedite Hearing Date On Second Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (DOC #231, 245, 246 and 278) (\$100,000.00)
02/24/2022	287 (5 pgs)	Notice of Expedited Hearing On Second Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief (DOC #231, 245, 246 and 278) (\$100,000.00)

03/01/2022	289 (1 pg)	Audio Recording Order Request from Jeff Carruth
03/03/2022	290 (4 pgs)	Notice of Default by The Gateway Ventures, LLC (DOC ## 231, 245, 246 and 278) (\$100,000.00)
03/07/2022	291 (4 pgs)	Response Of Reorganized Debtor To Westar Motion To Enforce Plan (RE: Docket No. 282)
03/09/2022	292 (1 pg)	Notice of Withdrawal of Claim
03/11/2022	293 (2 pgs)	Order Denying Second Emergency Motion To Enforce The Chapter 11 Plan
03/14/2022	295 (15 pgs)	Chapter 11 Monthly Operating Report for the Month Ending: 08/31/2021
03/14/2022	296 (20 pgs)	Chapter 11 Monthly Operating Report for the Month Ending: 12/31/2021
03/24/2022	297 (7 pgs; 2 docs)	Westar Investors Group, LLC, Suhail Bawa, and Saleem Makani's Notice of Appeal (Do#293) (Attachments: #1 Exhibit)
03/25/2022	298 (59 pgs; 4 docs)	Notice to District Court of Filing of Notice of Appeal. (Attachments: # 1 Bankruptcy Docket Report # 2 List of Parties) (related document(s): 297 Notice of Appeal Filed by Michael R. Nevarez for Creditors Suhail Bawa, Saleem Makani, Westar Investors Group, LLC
03/31/2022	300 (2 pgs)	Transcript Ordered Filed by Michael R. Nevarez for Creditors Suhail Bawa, Saleem Makani, Westar Investors Group, LLC

## II. ISSUES ON APPEAL.

Pursuant to Rules 4, 6 and 10 of the Federal Rules of Appellate Procedure, and reserving further amendment or modification, if necessary, Appellants hereby respectfully submit the following issues to be presented on appeal, concerning the Bankruptcy Court's ("Court") "Order Denying Second Emergency Motion To Enforce Plan" ("Order") ("DOC #293"), signed on March 10, 2022, and entered on March 11, 2022:

- Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to pay \$100,000.00 to Westar

Investors Group, LLC, within three (3) days from the date of the Order, with interest at the maximum rate allowable under the laws of the State of Texas.

2. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to make no further intercompany transfers to its affiliate PDG Prestige, Inc., until the lump sum payment of \$100,000.00 is paid to the Westar Investors Group, LLC.
3. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to make no further intercompany transfers to its affiliate Prestige Star Holding, LLC, until the lump sum payment of \$100,000.00 is paid to the Westar Investors Group, LLC.
4. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to make no further payment of attorney's fees and costs, to Mr. Carruth and Weyer Kaplan Pulaski & Zuber, P.C., until the lump sum payment of \$100,000.00 is paid to the Westar Investors Group, LLC.
5. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the

Reorganized Debtor, The Gateway Ventures, LLC, to make no further payments, transfers or loans to its managing member, Mr. Michael Dixon, until the lump sum payment of \$100,000.00 is paid to the Westar Investors Group, LLC.

6. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to immediately recover from Mr. Dixon any and all amounts paid to Mr. Dixon, by The Gateway Ventures, LLC, and/or and PDG Prestige, Inc.
7. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to file with the Court, within fourteen (14) days from the date of the Order, Monthly Operation Reports for the periods ending (a) August 31, 2021, (b) October 31, 2021, (c) November 30, 2021, (d) December 31, 2021, and (e) January 31, 2022.
8. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to timely file its Monthly Operation Reports for the period ending February 28, 2022, as well as all subsequent reports hereinafter.

9. Whether the Order constitutes a manifest error of law and fact, and by definition an abuse of discretion, considering the Court failed and/or refused to order the Reorganized Debtor, The Gateway Ventures, LLC, to reimburse WESTAR, within fourteen (14) days from the date of the Order, all attorney's fees and costs incurred by WESTAR, since the issuance of the Confirmation Order, on October 15, 2021.

April 11, 2022

Respectfully submitted,

**THE NEVAREZ LAW FIRM, PC**  
A Professional Corporation  
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/s/ Michael R. Nevarez  
By: **MICHAEL R. NEVAREZ**  
State of Texas Bar No. 14933400  
Attorney for Appellants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **APPELLANTS' DESIGNATION FOR APPEAL** was served either by electronic means as listed on the Court's CM/ECF filing and noticing system, and/or by regular first-class mail, postage prepaid, to the following parties in interest, on or about April 11, 2022:

**ATTORNEY FOR REORGANIZED DEBTOR:**

Jeff Carruth  
Weyer Kaplan Pulaski & Zuber, P.C.  
3030 Matlock Rd., Suite 201  
Arlington, Texas 76105  
Email: [jarruth@wkpz.com](mailto:jarruth@wkpz.com)

**REORGANIZED DEBTOR:**

The Gateway Ventures, LLC  
154 N. Festival Dr., Suite D  
El Paso, TX 79912

**EQUITY SECURITY HOLDERS  
ALL UNSECURED CREDITORS  
ALL SECURED CREDITORS  
ALL PARTIES IN INTEREST**

/s/ Michael R. Nevarez  
**MICHAEL R. NEVAREZ**